

REMARKS

Claims 1-14 have been amended. Claims 1-15 are pending in the application.

Formalities

Applicant thanks the Examiner for acknowledging claim to priority under 35 U.S.C. § 119, and for acknowledging receipt of certified copies of the priority documents.

The Examiner did not indicate the status of the drawings filed on December 27, 2001. Applicant respectfully requests the Examiner to acknowledge and accept the drawings as filed.

Claims 1-14 have been amended so as to better comply with United States claims practice. These changes were not made for any reason related to patentability, and no new matter was added. Claims 1 and 8 have also been amended as described herein.

Objection to the disclosure

The Examiner objected to the disclosure due to informalities of not having section headings in the specification. Applicant herewith submits a substitute specification showing section headings. Therefore, Applicant respectfully requests the Examiner to remove the objection.

Claim rejections – 35 U.S.C. § 112

The Examiner rejected claims 2 and 9 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. The Examiner asserts that the “only” language recited in claims 1 and 8 excludes any additional packet marking determination as described in claims 2 and 9, respectively. Applicant has amended claims 1 and 8 as suggested by the Examiner. Therefore, Applicant respectfully requests the Examiner to withdraw the rejections.

Claim rejections – 35 U.S.C. § 102

The Examiner rejected claims 1-15 under 35 U.S.C. § 102(e) as being anticipated by Wang. Applicant has amended claim 1 to recite the limitation of “determining said packet marking of each of said packets based on said actual value of said traffic reservation parameter when said actual value of said traffic reservation parameter exceeds said threshold value for said traffic reservation parameter.”

Wang teaches a marking system in which arriving packets are forwarded without changing the marking, promoted to a higher priority marking, or demoted to a lower priority marking based upon the relative difference in token filling rate r and token consumption rate of packets from an upstream to a downstream domain. During the demotion of packets, the traffic condition marker keeps the number of demoted packets approximately proportional to the number of green (highest priority) packets. Similarly during promotion, the traffic condition marker keeps the number of promoted packets approximately proportional to the number of yellow packets. However, to accomplish this proportionality, Wang teaches promoting or demoting packets randomly. However, Wang does not teach promoting or demoting each packet which passes through the system.

By contrast, amended claim 1 recites determining the packet marking of each of the packets based on the actual value of the traffic reservation parameter. This feature as described and recited in amended claim 1 is not present in Wang. Therefore, amended claim 1 is patentably distinguished over Wang, and Applicant respectfully requests the Examiner to allow

the claim. Moreover, since claims 2-7 depend from amended claim 1, Applicant also respectfully requests that claims 2-7 be allowed.

Applicant has made a similar distinguishing amendment to claim 8. Therefore, amended claim 8 is patentably distinguished over Wang for at least those reasons given above, and Applicant respectfully requests the Examiner to allow both amended claim 8 and its dependent claims 9-15.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Kelly G. Hyndman
Registration No. 39,234

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: December 19, 2005